

X525  
BILL NO. Z-92- 09-20

1 ZONING MAP ORDINANCE NO. Z-12-92

2 AN ORDINANCE amending the City of  
3 Fort Wayne Zoning Map No. R-7.

4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
5 WAYNE, INDIANA:

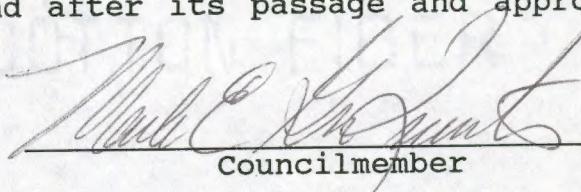
6 SECTION 1. That the area described as follows is hereby  
7 designated an M-3 (Heavy Industrial) District under the terms  
8 of Chapter 33 of the Code of the City of Fort Wayne, Indiana  
9 of 1974:

10 A part of the Northwest Quarter of Section 17, in  
11 Township 30 North, Range 13 East, in Allen County,  
12 Indiana, being more particularly described as follows:

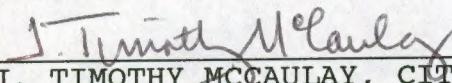
13 Beginning at the Southeast corner of said Northwest  
14 Quarter of Section 17; thence North 89 degrees 05 minutes  
15 13 seconds West, along the South line of said Northwest  
16 Quarter, a distance of 1,411.50 feet; thence North 00  
17 degrees 52 minutes 47 seconds East, a distance of  
18 1,262.54 feet (recorded 1,261.7 feet) to an iron pin on  
19 the Southwesterly right-of-way of the Conrail Railroad,  
20 formerly known as the Pennsylvania Railroad, said right-  
21 of-way being 300 feet by perpendicular distance  
22 Southwesterly of the centerline of the East bound track;  
23 thence South 61 degrees 45 minutes 22 seconds East along  
24 said Southwesterly right-of-way, a distance of 1,617.93  
25 feet to an iron pin on the East line of said Northwest  
26 Quarter; thence South 00 degrees 22 minutes 16 seconds  
27 West along said East line of the Northwest Quarter, a  
28 distance of 519.73 feet to the point of beginning,  
29 containing 29.422 acres, subject to road rights-of-way  
30 and easements, EXCEPTING therefrom the South 325.0 feet,  
31 containing 10.744 acres.

32 and the symbols of the City of Fort Wayne Zoning Map No. R-7,  
33 as established by Section 11 of Chapter 33 of the Code of the  
34 city of Fort Wayne, Indiana are hereby changed accordingly.

35 SECTION 2. That this Ordinance shall be in full force  
36 and effect from and after its passage and approval by the  
37 Mayor.

  
Mark E. Schumert  
Councilmember

38 APPROVED AS TO FORM AND LEGALITY:

39   
J. TIMOTHY McCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Edmonds,  
and duly adopted, read the second time by title and referred to the  
Committee on Gigulich (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on 22, the 19 day of November, o'clock  
M., E.S.T.

DATED: 9-22-92

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds,  
and duly adopted, placed on its passage. PASSED LOST  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 11-24-92

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-12-92  
on the 24th day of November, 1992

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

John P. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 25th day of November, 1992,  
at the hour of 3:00 o'clock 8, M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 27th day of November,  
1992, at the hour of 5:00 o'clock 8, M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

## RECEIPT

No 10933

COMMUNITY &amp; ECONOMIC DEVELOPMENT

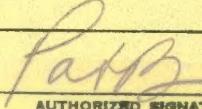
FT. WAYNE, IND.

8/20 1992

RECEIVED FROM Midwest Pipe & Steel 325.00  
THE SUM OF Three hundred twenty-five <sup>00</sup>/<sub>100</sub> DOLLARS  
ON ACCOUNT OF rezone M-2 to M-3

PAID BY: CASH  CHECK  M.O. 

AUTHORIZED SIGNATURE



## PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

I/We Jerome Francis Henry, Jr.  
(Applicant's Name or Names)do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an M-2 District to a/an M-3 District the property described as follows:See enclosure

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

3515 Moeller Road

3700 Hoeller Rd.Jerome F. Henry, Jr.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Jerome F. Henry, Jr.  
(Name)P.O. Box 11572  
(Address) Zip 46859Jerome F. Henry, Jr.  
(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

Jerome Francis Henry, Sr.  
(Name) 1801 Howell St.  
(Address & Zip Code) 46808422-3093  
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning &amp; Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

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Owners of Property

Jerome F. Henry, Jr.

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P.O. BOX 11572  
ZIP 46859

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Jerome F. Henry, Jr.

---

(Name)

---

(Address)

---

(Signature)

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NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

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NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.

## CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA  
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA  
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA  
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

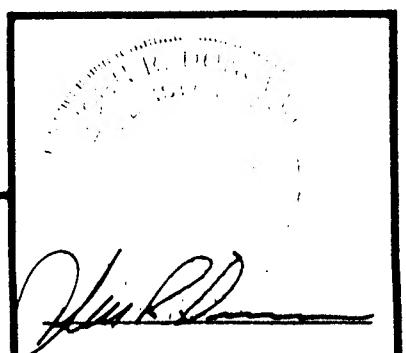
The description of the real estate is as follows, to wit: A part of the Northwest Quarter of Section 17, in Township 30 North, Range 13 East, in Allen County, Indiana, being more particularly described as follows:

Beginning at the Southeast corner of said Northwest Quarter of Section 17; thence North 89 degrees 05 minutes 13 seconds West, along the South line of said Northwest Quarter, a distance of 1,441.50 feet; thence North 00 degrees 52 minutes 47 seconds East, a distance of 1,262.54 feet (recorded 1,261.7 feet) to an iron pin on the Southwesterly right-of-way line of the Conrail Railroad, formerly known as the Pennsylvania Railroad, said right-of-way being 300 feet by perpendicular distance Southwesterly of the centerline of the East bound track; thence South 61 degrees 45 minutes 22 seconds East along said Southwesterly right-of-way, a distance of 1,617.93 feet to an iron pin on the East line of said Northwest Quarter; thence South 00 degrees 22 minutes 16 seconds West along said East line of the Northwest Quarter, a distance of 519.73 feet to the point of beginning, containing 29.422 acres, subject to road rights-of-way and easements, EXCEPTING therefrom the South 325.0 feet, containing 10.744 acres.

The above described real estate contains 18.678 net acres.

JOB FOR: ITT CORPORATION -  
HENRY

S-21-90  
REV. S-31-90  
REV. 8-27-92



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 22, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-09-20; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 19, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

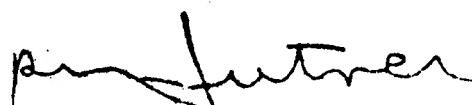
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 26, 1992.

Certified and signed this  
27th day of October 1992.

  
\_\_\_\_\_  
Robert Hutner  
Secretary



# THE CITY OF FORT WAYNE



Paul Helmke  
Mayor

October 27, 1992

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

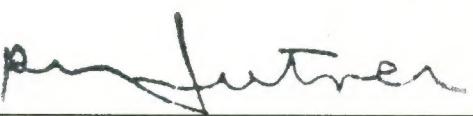
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-92-09-20

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
27th day of October 1992.

  
\_\_\_\_\_  
Robert Hutner

Secretary

/pb

CC: File

An Equal Opportunity Employer  
One Main Street, Fort Wayne, Indiana 46802

a. Bill No. Z-92-09-20 - Change of Zone #525  
From M-2 to M-3  
3515 Moeller Rd

Jerome Henry, Sr., 1801 Howell St, appeared before the Commission representing his son Jerome Henry, Jr., the petitioner and property owner. Mr. Henry stated that they deferred this from the public hearing in September in order to give them time to acquire more information for the Commission. He stated that at the request of the Commission they sent notices to the people in the area and they had a meeting to which they invited all of the neighbors. He stated that they had an excellent meeting. He stated that the concern of the neighborhood was the traditional concerns of noise, pollutes to the environment and traffic. He stated he felt that most of the concerns were dealt with to their satisfaction. He stated that he has not heard from anyone in the area since that evening. Mr. Henry stated that the property is currently vacant land consisting of about 30 acres. He stated that it is essentially rural in nature and they are proposing to construct an industrial project.

Fred Ernest from West Pointe, Virginia, representing the people who are in the process and trying to put together this project, appeared before the Commission. Mr. Ernest stated that from their standpoint as project developers it does them very little good at this stage to have any significant publicity. He stated that he hoped the Commission would accept general comments about what they are doing and not specific ones. He stated that the proposed business is one that relates to the pulp and paper industry. He stated that the people involved in the project, along with himself, have had very substantial experience in this business. He stated that all of them have spent their lifetimes in the business. He stated they understand the environmental issues that are involved and fully expect to live up to all of the requirements that are involved. He stated that they had a meeting with the neighborhood people that are adjacent to the property and he felt that the most important thing they told them was that they fully intend to be a good neighbor. He stated that this is an industrial site, so clearly there will be traffic, there will be a certain level of noise from the business activity, but those are all things that will be well within the parameters of what is an acceptable level. He stated that this will be a seven (7) day a week, 24 hours a day business, it is a continuous process. He stated that the entrance to the property will be at the east end of the site. He stated truck traffic will not be required to go past the residential area along Moeller Road. He stated that this is a recycling process, they use recycled fiber as the basis for their operations.

Charlene Hall, 7716 So Hanna St, stated that she was interested in the statement from Mr. Ernest that he did not want people to know about the project. She wanted to know why he was unwilling to give them information

Dave Arnold, 1730 Woodland Lake Pass, Vice-President of Economic

Development for the Chamber of Commerce appeared before the Commission. Mr. Arnold stated that the Chamber has been working with this project for approximately one year and he stated he would personally affirm the character of the people involved with the project. He stated that he was speaking in support of this project not only personally but also for the Chamber of Commerce. He stated that the project represents a very good economic development opportunity for this community and the Chamber looks forward to seeing this go forward.

Mr. Ernest stated that in terms of addressing issues of the environment and as to how they will meet the various requirements, that they have had extensive discussions with all the different people involved. He stated that there are no secrets at a technical level, none whatsoever. He stated that for competitive reasons they would just as soon not be exposed.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

**FACT SHEET**

Z-92-09-20

BILL NUMBER

**Division of Community  
Development & Planning**

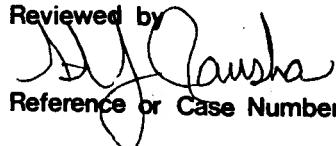
BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment		
From M-2 to M-3		

DETAILS	POSITIONS	RECOMMENDATIONS
	Specific Location and/or Address  3515 Moeller Rd	Sponsor
Reason for Project  Manufacturing facility with outside storage.	Area Affected	City Wide  Other Areas
Discussion (Including relationship to other Council actions)  <u>October 19, 1992 - Public Hearing</u>  See Attached Minutes of Meeting	Applicants/ Proponents	Applicant(s) Jerome Henry, Jr. City Department  Other
<u>October 26, 1992 - Business Meeting</u>  Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.  Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.  Motion carried.	Opponents	Groups or Individuals  Basis of Opposition
	Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
	Board or Commission Recommendation	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
	CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

**DETAILS****POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

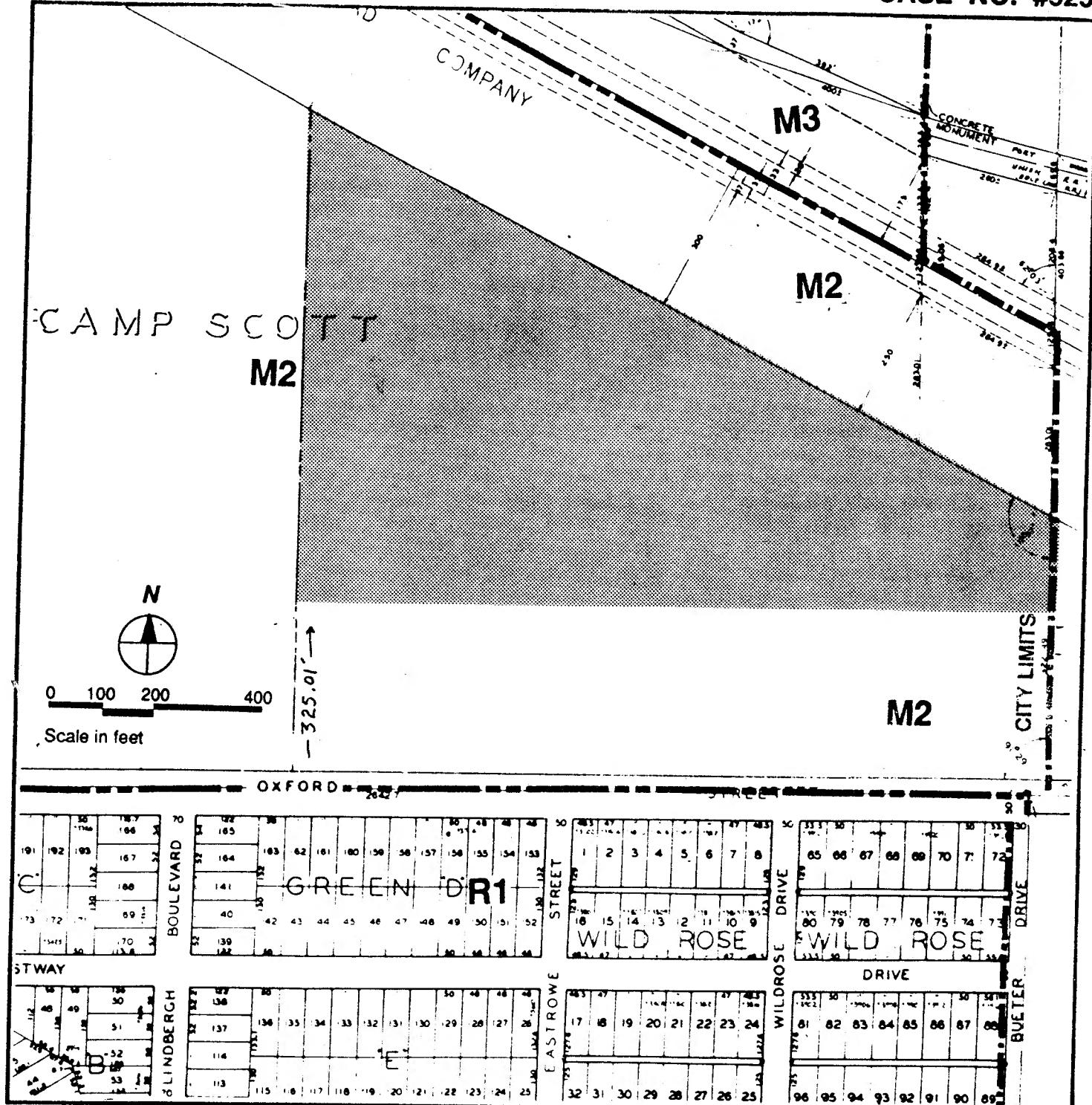
(This space for further discussion)

**Project Start****Date** August 20, 1992**Projected Completion or Occupancy****Date** October 27, 1992**Fact Sheet Prepared by**  
Patricia Biancaniello**Date** October 27, 1992**Reviewed by**  
**Reference or Case Number****Date** OCTOBER 27, 1992

## **REZONING PETITION**

## **AREA MAP**

**CASE NO. #525**



## COUNCILMANIC DISTRICT NO. 6

Map No. R-7  
LW 8-24-92

<b>R1</b>	One-Family	<b>B1</b>	Limited Business	<b>M1</b>	Light Industrial
<b>R2</b>	Two-Family	<b>B2</b>	Planned Shopping Center	<b>M2</b>	General Industrial
<b>R3</b>	Multi-Family	<b>B3</b>	General Business	<b>M3</b>	Heavy Industrial
<b>RA/RB</b>	Residential	<b>B4</b>	Roadside Business	<b>MHP</b>	Mobile Home Park
<b>PUD</b>	Planned Unit Dev.	<b>POD</b>	Professional Office District		

X525  
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 3515 Moeller Road

2-92-09-20

EFFECT OF PASSAGE Property is currently zoned M-2 - General Industrial. Property will become M-3 - Heavy Industrial.

EFFECT OF NON-PASSAGE Property will remain M-2 - General Industrial.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_

